

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

Resource Management Company, Inc.

Plaintiff

v.

WFC Durham Holdings, G.P.

Defendant

Civil Action No. 3:18-cv-433

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Kelchner, Inc.

c/o United Agent Group, Inc., Registered Agent; 205 Powell Place; Brentwood, TN 37027

(Name of person to whom this subpoena is directed)

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

See attached list for deposition topics.

Place:

401 Commerce St Ste 710; Nashville, TN 37219

Date and Time:

11/18/2019 9:30 am

The deposition will be recorded by this method: transcription by Court Reporter.

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See attached list of documents, which should be delivered by 12:00 p.m. on Thursday, November 14, 2019 (prior to the deposition set for Monday, November 18, 2019)

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date:

10-22-19

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Resource Management Company, Inc., who issues or requests this subpoena, are:

Phillip Byron Jones, Esq. (615) 259-4685

Evans, Jones & Reynolds, P.C.; 401 Commerce St Ste 710; Nashville, TN 37219 Pjones@ejrlaw.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 3:18-cv-433

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ 40.00 .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**RESOURCE MANAGEMENT
COMPANY, INC.,
Plaintiff/Counter-Defendant**

v.

**WFC DURHAM HOLDINGS VII, G.P. and
Defendant/Counter-Plaintiff;**

And

**PHILADELPHIA INDEMNITY
INSURANCE COMPANY,**

Defendant.

**Case No. 3:18-CV-433
Judge Crenshaw / Frensley**

**EXHIBIT TO SUBPOENA
FOR
KELCHNER, INC.**

In connection with the Subpoena of Kelchner, Inc., your company shall produce by November 14, 2019, the documents identified below. Your company should also designate one or more individuals with knowledge concerning the matters set forth below to appear on November 18, 2019, and to respond to questions regarding those matters. The topics upon which your company will be examined, under oath, are as follows:

1. All contracts between your company and WFC Durham Holdings, G.P. ["WFC"] concerning work on the Durham Farms Project in Sumner County, Tennessee.
2. The nature and scope of any remedial work which your company performed to correct work previously performed by Resource Management Company, Inc. ["RMC"].
3. The amount billed by your company to WFC for the corrective work.

4. The nature and scope of all work performed by you to complete aspects of the Durham Farms Project which were previously contracted to be performed by RMC (e.g., completion work as opposed to corrective work).
5. The cost billed to WFC for the completion work.
6. All amounts paid to you for the: (a) corrective work, and (b) completion work.
7. The funds held back by WFC for retainage on your work, the funds released, and the retainage funds yet to be released (if any).

In addition to the testimony provided on November 18, 2019, your company should produce the following documents by Thursday, November 14, 2019. The documents to be produced are as follows:

1. All contracts by and between Kelchner, Inc. and WFC related to Durham Farms.
2. All documents identifying the nature and scope of any corrective work performed by you to correct work previously performed (in whole or in part) by RMC.
3. All applications for payments, billing statements or other documents including invoices related to the aforementioned corrective work, and records related to payments received for the corrective work.
4. All documents concerning other (non-corrective) work performed by you for WFC to complete work on the Durham Farms Project for items previously contracted to be performed by RMC.
5. All applications for payment, billing statements or other documents, including invoices related to such completion work (non-corrective work) and records related to payments received for that completion work.
6. All documents concerning the nature, scope and related cost (billing) for any additional work that your company performed for WFC related to the Durham Farms Project, unrelated to work performed to correct RMC's work or work performed to complete RMC's work, and records related to payments received for such work.
7. All records concerning retainage withheld, and later released.

8. All communication and/or email by and between your company and WFC related to the aforementioned work.
9. All communication by and between your company and any other third party including but not limited to the White House Utility District, municipalities, city or county agencies related to the Durham Farms Project.

Respectfully submitted,



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